

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Date Purchased:

Index No:

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PENELOPE GRIPPO,

Plaintiff,

**SUMMONS**

- a g a i n s t -

Plaintiff designate SUFFOLK County  
as the place of trial. The basis of the  
venue is the plaintiff's residence,  
Patchogue, NY 11772

LOWES HOME CENTERS, LLC,  
JOHN/JANE DOE f/n-l/n/f Manager  
JOHN/JANE DOE f/n-l/n/f Customer Service Associate,

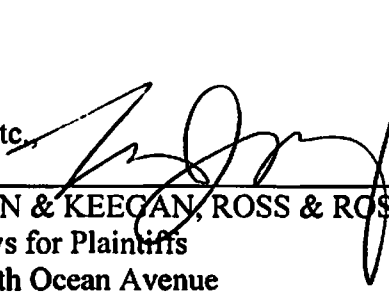
Defendant.

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TO THE ABOVE-NAMED DEFENDANT(S):

**YOU ARE HEREBY SUMMONED** to Answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the date of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you for the relief demanded in the Complaint.

Dated: Patchogue, New York  
March 3, 2022

Yours, etc.,

  
KEEGAN & KEEGAN, ROSS & ROSNER, L.L.P.  
Attorneys for Plaintiffs  
147 North Ocean Avenue  
Patchogue, New York 11772-0918  
(631) 475-9400

**DEFENDANTS' ADDRESSES:**

Lowes Home Centers, LLC  
825 Montauk Highway  
East Patchogue, NY 11772

JOHN/JANE DOE f/n-l/n/f  
Manager  
825 Montauk Highway  
East Patchogue, NY 11772

JOHN/JANE DOE  
Customer Service  
825 Montauk Highway  
East Patchogue, NY 11772

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PENELOPE GRIPPO,

Plaintiff,

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**VERIFIED  
COMPLAINT**LOWES HOME CENTERS, LLC  
JOHN/JANE DOE f/n-l/n/f Manager  
JOHN/JANE DOE f/n-l/n/f Customer Service AssociateDefendants.  
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Plaintiffs, by their attorneys, KEEGAN & KEEGAN, ROSS & ROSNER, L.L.P.,  
complaining of the Defendants allege as follows:

1. That at all times hereinafter mentioned, Plaintiff was and still is a resident of the County of Suffolk, State of New York.
2. That at all times hereinafter mentioned, Defendant, LOWES HOME CENTERS, LLC,  
was and still is a domestic corporation or a legal entity or a foreign corporation either  
licensed to do business in the State of New York and/or actually doing business in the  
State of NY.
3. That at all times hereinafter mentioned, Defendant, LOWES HOME CENTERS, LLC  
owned the premises located at 852 Montauk Hwy, East Patchogue, NY 11772.
4. Those at all times hereinafter mentioned, Defendant, LOWES HOME CENTERS, LLC,  
operated and controlled the premises located at 852 Montauk Hwy, East Patchogue, NY  
11772.

5. That at all times hereinafter mentioned, Defendant, LOWES HOME CENTERS, LLC, maintained the premises located at 852 Montauk Hwy, East Patchogue, NY 11772.
6. That at all times hereinafter mentioned, the Defendant, LOWES HOME CENTERS, LLC, failed to keep said property in a safe condition.
7. That the aforesaid premise was open to members of the public on or about August 4, 2019, for the sale of items at retail including but not limited to lawn and garden furniture, implements, tools and materials.
8. That all times hereinafter mentioned, said property was in a condition which created a dangerous hazard to those using said area.
9. That on or about August 4, 2019, at approximately 2:30 p.m. Plaintiff, PENELOPE GRIPPO was lawfully at the aforementioned premises with the intent to conduct business therein.
10. That while proceeding with due cares at the subject premises and without fault on her part, Plaintiff PENELOPE GRIPPO was caused hit her head on a metal bar.
11. While in the course of inspecting a piece of lawn furniture on the sales floor, the Plaintiff struck hit her head on a member of the metal rack in and about which the item was displayed for customer inspection.
12. Prior to August 4, 2019, at approximately 2:30 p.m. the Defendant, LOWES HOME CENTERS, LLC, had actual and/or constructive knowledge of the dangerous and negligent condition of said property.
13. Prior to August 4, 2019, at approximately 2:30 p.m. the Defendant, LOWES HOME

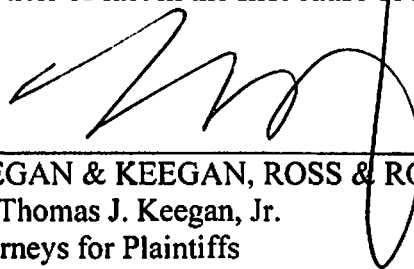
CENTERS, LLC, had an opportunity to inspect, correct, repair, and maintain said property, to prevent said dangerous and negligent condition of said property.

14. Defendant, LOWES HOME CENTERS, LLC, maintained the subject premises in a negligent and careless condition in failing to properly maintain, police or otherwise safeguard the areas open to the public to ensure the premises are safe for consumers there to purchase items being offered for sale to the public.
15. That JOHN DOE Manager failed to properly train, instruct and reinforce proper safety requirements to the employees of the store for the operation, layout, maintenance, and operation of the aforesaid store.
16. That JOHN DOE Customer Service Associate failed to properly inspect, police and otherwise maintain the area in question in a safe and proper manner for the area open to the public at the aforesaid location.
17. That as a result of the aforesaid incident, Plaintiff, PENELOPE GRIPPO was caused to suffer severe personal injuries has caused to be disabled and to expend large amounts for the medical care and treatment of the aforesaid injuries.
18. That the injuries complained of were solely as a result of the negligence of the Defendants herein.
19. The damages sought exceed the jurisdictional limitation of any lower court.
20. The injuries suffered arise out of an incident enumerated in the exceptions set forth in CPLR 1602.

21. That as a result of the aforesaid, Plaintiff, PENELOPE GRIPPO has been caused physical pain, mental anguish and emotional distress all to his damages in an amount to be determined by the trier of fact.

**WHEREFORE**, Plaintiff, PENELOPE GRIPPO, demands judgment against the Defendants in an amount to be determined by the trier of fact in the first cause of action.

Dated: Patchogue, New York  
March 3, 2022



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KEEGAN & KEEGAN, ROSS & ROSNER, L.L.P.  
By: Thomas J. Keegan, Jr.  
Attorneys for Plaintiffs  
147 North Ocean Avenue  
Patchogue, NY 11772-0918  
(631) 475-9400

## VERIFICATION

STATE OF NEW YORK     )  
  ) ss.  
COUNTY OF SUFFOLK    )

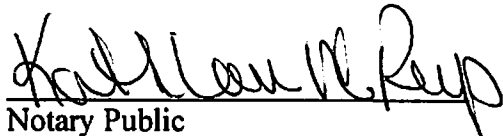
The undersigned being duly sworn, hereby states:

I am the plaintiff in this action and have read the annexed VERIFIED COMPLAINT and know the contents thereof and the same are true to my knowledge except those matters which are stated to be alleged on information and belief and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
PENELOPE GRIPPO

Sworn to before me this

3<sup>rd</sup>, day of March, 2022

  
\_\_\_\_\_  
Notary Public

